

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PEDRO FONTANES,

Plaintiff,

vs.

. FLB LLC

-----X Case No 1:16-cv-04426-RJD-JO

REQUEST FOR CERTIFICATE
OF DEFAULT

Defendant.

-----X

TO: DOUGLAS C. PALMER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default of defendant; FLB LLC sued herein pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appears from the court file herein and from the attached affirmation of Ismail S. Sekendiz (IS-0509)



Ismail S. Sekendiz (IS-0509)
Attorney for the Plaintiff
45 Broadway Suite: 1420
New York, New York 10006
(212) 380-8087

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No 1:16-cv-04426-RJD-JO
PEDRO FONTANES,

Plaintiff,
vs.

AFFIRMATION IN SUPPORT
OF DEFAULT MOTION

FLB LLC

Defendants.

-----X

Ismail S. Sekendiz (IS-0509) hereby declares as follows:

Plaintiff, PEDRO FONTANES (“Plaintiff”), by and through the undersigned counsel, and pursuant to Fed. R. Civ. P. 55, hereby move the Clerk to enter an order of default against Defendant, FLB LLC (“Defendant”) for its failure to file an answer, or otherwise plead to Plaintiff’s Complaint. In support of this request, Plaintiff states as follows:

1. A Complaint in this action was filed on August 10, 2016. (Doc. No.1 (ecf))
2. The Complaint was brought against Defendants for alleged violations of Title III of the ADA.
3. A copy of the Complaint and Summons was served on Defendant, FLB LLC by delivering said Complaint and Summons to SUE ZOUKY, authorized agent Secretary of State on August 10, 2016 1:22PM. (Doc. No.6 (ecf))
4. As such, a response to the Complaint was due by Defendant FLB LLC by September 13 2016.
5. Defendant FLB LLC is not a minor nor an incompetent person, as required by Fed. R. Civil P. 55(b)(1).
6. Defendant FLB LLC is not in the military service, as required by 50 U.S.C. app. 521.

7. Contrary to Fed. R. Civ. P. 12, FLB LLC has failed to file an answer or otherwise respond to Plaintiff's Complaint within the period of time prescribed by the Federal Rules of Civil Procedure.

8. Plaintiff seeks injunctive relief along with attorney fees and cost associated with the defaulting defendant's violation of Title III of the ADA.

WHEREFORE, Plaintiff respectfully requests that the Clerk enter an order of default against Defendant, FLB LLC its failure to file an answer or otherwise respond to Plaintiff's Complaint. I hereby swear and affirm that the statements made in this Verified Motion for Clerk's Default against Defendant FLB LLC are true and correct to the best of my knowledge.

Dated: New York, New York
September 14, 2016

Yours, etc.



ISMAIL S. SEKENDIZ, ESQ.
Attorneys for Plaintiff
45 Broadway Suite: 1420
New York, NY 10006
(212) 380-8087

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No 1:16-cv-04426-RJD-JO
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FLB LLC

Defendants.

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NOTICE OF MOTION

Plaintiff PEDRO FONTANES hereby moves the Court pursuant to Federal Rule of Civil Procedure 55 (b) and Local Civil Rule 55.2 to enter default judgment in favor of plaintiff and against defendant FLB LLC on the grounds that said defendant failed to answer or otherwise defend against the complaint.

Dated: New York, New York
September 14, 2016



Ismail S. Sekendiz (IS-0509)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PEDRO FONTANES,

-----X

Case No 1:16-cv-04426-RJD-JO

Plaintiff,
vs.

AFFIRMATION OF SERVICE

FLB LLC

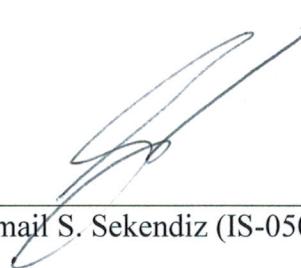
Defendants.

-----X

I affirm/declare under penalty of perjury that I have served a copy of the attached via ecf and first class mail upon whose address is:

FLB LLC
1510 ST. PETERS AVENUE
BRONX, NEW YORK, 10461

Dated: September 14, 2016



Ismail S. Sekendiz (IS-0509)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PEDRO FONTANES,

Case No 1:16-cv-04426-RJD-JO

Plaintiff,
vs.

CERTIFICATE OF DEFAULT

FLB LLC

Defendant.

-----X

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of defendant FLB LLC is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: , New York, New York
September____, 2016

DOUGLAS C. PALMER, Clerk of Court

Deputy Clerk